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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,177	04/06/2001	Alejandro H. Abdelnur	80168-0121	4373
32658 7590 09/21/2007 HOGAN & HARTSON LLP ONE TABOR CENTER, SUITE 1500 1200 SEVENTEEN ST. DENVER, CO 80202			EXAMINER KESACK, DANIEL	
			ART UNIT 3691	PAPER NUMBER
			MAIL DATE 09/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/827,177	ABDELNUR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dan Kesack	3691	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,5,8,9,13 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,8,9,13 and 16-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br/>Paper No(s)/Mail Date _____</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/>Paper No(s)/Mail Date. _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application</p> <p>6) <input type="checkbox"/> Other: _____</p> |
|---|--|

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### DETAILED ACTION

1. Amendment filed July 3, 2007 has been entered and fully considered. Claims 1, 3, 5, 8, 9, 13, and 16-18 are currently pending. The rejections are as stated below.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1, 3, 5, 8, 9, 13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luke et al., U.S. Patent No. 6,131,087, in view of Silverman et al.,

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U.S. Patent No. 5,924,082, and further in view of Macready, U.S. Patent Application Publication No. 2002/0016759.

Claim 1, Luke discloses a method for automatically identifying, matching, and near-matching buyers and sellers in electronic market transactions. Luke teaches solicitations for goods and services being received, said solicitations containing dimensions, including a product identifier, price, payment date, delivery destination (column 5 lines 62-67), said dimensions expressed in numeric terms on a linear scale by converting the dimensions from every solicitation to a standard format (column 6 lines 1-11), determining the existence of a matching order among a plurality of stored orders (abstract, and figure 2 step 200), and matching offer and solicitation data from market participants and notifying originators of the matching data of the results of any such matching operations (column 6 lines 16-19).

Claim 3, Luke teaches receiving an active order, including a name value pair and characteristics (column 6 lines 45-60), determining the existence of a matching order among a plurality of stored passive orders which include an identical name value pair to that of the active order (column 7 lines 14-16), and includes normalized dimensions based on characteristics that match normalized dimensions corresponding to the received characteristics (column 5 line 60 – column 6 line 11).

Claims 1, 3, Luke fails to teach the dimensions being normalized by converting to a value between zero and one.

Macready teaches a system and method for identifying trades between parties by variables which define characteristics of offers, an normalizing said variables using a normalizing function, resulting in offer criteria within the range of [0, 1] (paragraph 60). This normalized criteria is then used to identify trades between parties. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the normalizing step of Luke to include converting all characteristics to a value between zero and one, because Macready teaches the feature requires the average distance of any negotiation variable from its ideal value is the same for all dimensions, and further because, "it is important to normalize the contributions of each variable so that the buyer can weight the importance of various contributions to utility (paragraph 24).

Claims 1, 3, Luke further fails to explicitly teach applying a rule based filter to determine a match after orders have been matched based on matching normalized dimensions.

Silverman discloses a negotiated matching system and method, wherein bids and offers entered by users are matched based on parameters of the entered bids and offers, and wherein bids and offers entered by the users may also be matched with standing orders or resting orders already in the system (column 7 lines 37-42). Silverman also teaches a user specifying filter criteria to be applied to the parties with

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whom a potential trade exists. For example, Silverman teaches a user may specify a minimum size of the counterparty, or a minimum reputation of the counterparty (column 9 line 25 – column 10 line 30). Therefore, Silverman teaches rejecting a “matched” order based on rule-based criteria specified by the user because orders which would be a match based on the dimensions of the order (security, quantity, price, buy/sell) are subsequently rejected based on rule based criteria relating to the counterparty. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Luke to include the filtering on matching orders based on rule-based criteria because, as Silverman teaches, traders are concerned with more than just matching the orders. Traders desire to consider the counterparty as well when deciding whether or not to complete a transaction because while an order to buy may match two orders to sell, the orders to sell may be distinguishable by the reputation of the seller, and it is desirable that the trader is not compelled to transact with a seller of low reputation simply because the seller is matching the trader's buy order.

Claim 5, Luke teaches the characteristics including one or more of price, quality, quantity, and time (column 6 lines 36-44).

Claim 8, Luke teaches determining the existence of a matching order among a plurality of stored orders (abstract, and figure 2 step 200).

Claims 9, 10, Luke teaches comparing the normalized dimensions of standing and current solicitation data in order to determine if an intersection occurs, intersections occurring as perfect matches, or near-matches, wherein the "polarity" is interpreted to mean the upper and lower limits of the offer, and the distance calculation is embodied by the tests conducted by formulas (column 7-8, 205.1-207.4 and figures 2C, 2D).

Claim 11, Luke teaches searching for a match using the "preferred" data point of a dimension of a solicitation, and increasing the range of the solicited dimension by expanding the search to include lower and upper limits, if no match is found (figure 2A).

Claim 13, Luke teaches the offer data including data identifying the homogenous good or service and data relating to the value of the homogenous good or service (column 6 lines 36-44).

Claim 16, Luke teaches notifying an entity associated with an order if a match is made (column 6 lines 16-19).

5. Claims 17 and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Luke, Silverman and Macready, as applied above, and further in view of Walker et al., U.S. Patent No. 6,418,415.

Luke fails to teach aggregating a set of orders, and disaggregating and resubmitting a remainder offer after a match has been completed.

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Walker discloses a system and method for aggregating multiple buyers, in an offer matching system, in which a buyer's conditional purchase offer (CPO) is grouped into an aggregate CPO, which then may be offered as a single solicitation. If a buyer's CPO is accepted, the status of the individual CPO is changed to "completed" and the aggregate CPO is changed to reflect the aggregate CPO containing only the remaining solicitations (column 3 lines 38-49). It would be obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Luke to include the teachings of Walker because the aggregation of buyers provides benefits to buyers by creating buying power associated with volume purchasing, and benefits sellers by increasing business and lowering per-transaction costs.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1 and 3 have been considered but are moot in view of the new ground(s) of rejection.



***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

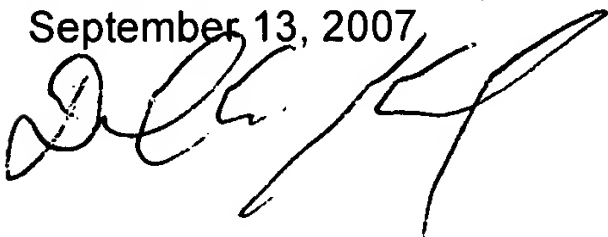
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted,

Daniel Kesack  
Art Unit 3691  
September 13, 2007



HANI M. KAZIMI  
PRIMARY EXAMINER